



CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

MAYOR AND COUNCIL OF BRUNSWICK

ORDINANCE NUMBER 487

AN ORDINANCE OF THE MAYOR AND COUNCIL OF BRUNSWICK TO AMEND AND REVISE THE ZONING ORDINANCE OF THE CITY OF BRUNSWICK, MARYLAND TO ADD PROVISIONS FOR SOLAR TECHNOLOGY.

WHEREAS, by Ordinance No. 398 effective May 8, 1998, the Mayor and Council of Brunswick ("**Mayor and Council**") enacted, ordained and adopted the "Zoning Ordinance of the City of Brunswick, Maryland" ("**Zoning Ordinance**") as part of the Code of Ordinances of the City of Brunswick, Maryland ("**City Code**"); and

WHEREAS, at its regular public meeting on May 26, 2009, the Brunswick Mayor and Council moved to initiate amendments to the Zoning Ordinance for the purpose of adding special zoning provisions applicable to Solar Technology; and

WHEREAS, in accordance with Section 4.01 et seq., of Article 66B and Section 25.1 and Section 25.2 of the City Code, a duly advertised public hearing of the Planning Commission was held on August 24, 2009, at which public meeting the Planning Commission received, reviewed, studied, researched, considered and discussed the testimony and comments received from the City Planning Staff ("**City Staff**"), other public agencies and jurisdictions, and public comments on the aforesaid amendment to the Zoning Ordinance ("**Amendment**"); and

WHEREAS, at the conclusion of its public meeting, the Planning Commission by the affirmative votes of a majority of its members, recommended to the Mayor and Council that the Amendment as presented to the Planning Commission by the City Staff, be enacted and adopted; and

WHEREAS, the Planning Commission subsequently submitted to the Mayor and Council its recommendation on the Amendment, including the Planning Commission's recommendation of approval ("**Planning Commission Recommendation**"); and

WHEREAS, in accordance with Section 4.04 of Article 66B and Section 25.2 of the City Code, at a public hearing on September 22, 2009, and October 13, 2009 at 7:00 p.m., notice of the time and place of which was published in the Brunswick Citizen, a newspaper of general circulation in the City of Brunswick, once each week for two (2) successive weeks with the first such publication of notice having appeared at least fourteen (14) days prior to the public hearing, the Mayor and Council received and considered testimony and comments from the public, public agencies and jurisdictions, the City Staff, and the Planning Commission Recommendation; and

WHEREAS, after the public hearing, the Mayor and Council reviewed the Planning Commission Recommendation, the City Staff comments and those comments received as part of the public hearing and the Mayor and Council conducted its review in public; and

WHEREAS, the Mayor and Council find that the Amendment as recommended for adoption by the Planning Commission is for the convenience, general welfare and good zoning practices for the City of Brunswick and its citizens.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF BRUNSWICK, THAT PURSUANT TO THE AUTHORITY GRANTED TO IT BY ARTICLE 25 OF THE ZONING ORDINANCE AND ARTICLE 66B OF THE ANNOTATED CODE OF MARYLAND, THE ZONING ORDINANCE SHALL BE AMENDED AS FOLLOWS:

SECTION I: Zoning Ordinance, Article 4, Definitions, Article 5, Section 5.8, Accessory Buildings/Structures, Article 8, Section 8.3, Accessory Permitted Buildings/Structures and Uses, Article 9, Section 9.3, Accessory Permitted Buildings/Structures and Uses, Article 10, Section 10.3, Accessory Permitted Buildings/Structures and Uses, Article 11, Section 11.3, Accessory Permitted Buildings/Structures and Uses, Article 12, Section 12.3, Accessory Permitted Buildings/Structures and Uses, Article 13, Section 13.3, Accessory Permitted Buildings/Structures and Uses, Article 14, Section 14.3, Accessory Permitted Buildings/Structures and Uses, Article 15, Section 15.3, Accessory Permitted Buildings/Structures and Uses, Article 16, Section 16.3, Accessory Permitted Buildings/Structures and Uses, Article 17, Section 17.3, Accessory Permitted Buildings/Structures and Uses, Article 18, Section 18.3, Accessory Permitted Buildings/Structures and Uses, Article 19, Section 19.3, Accessory Permitted Buildings/Structures and Uses, Article 20, Section 20.3, Accessory Permitted Buildings/Structures and Uses, Article 21, Special Provisions: 21.12 – Solar Collection Systems, Article 21, Special Provisions: 21.13 –Solar Arrays, Article 21.

New provisions are UNDERScoreD and in CAPITAL LETTERS, and the deleted provisions are in [bold brackets] and marked through.

Article 4, Definitions:

SOLAR ARRAY: A GROUND MOUNTED SOLAR COLLECTION SYSTEM CONSISTING OF A LINKED SERIES OF PHOTOVOLTAIC MODULES.

SOLAR COLLECTION SYSTEM: A PANEL OR OTHER SOLAR ENERGY DEVICE, THE PRIMARY PURPOSE OF WHICH IS TO PROVIDE FOR THE COLLECTION, INVERSION, STORAGE, AND DISTRIBUTION OF SOLAR ENERGY FOR ELECTRICITY GENERATION, SPACE HEATING, SPACE COOLING OR WATER HEATING.

Article 5, Section 5.8, Accessory Buildings/Structures:

F. IN ACCORDANCE WITH SECTION 21.12 SOLAR COLLECTION SYSTEM LOCATED ON PRINCIPAL OR ACCESSORY STRUCTURE(S) ARE PERMITTED IN ANY ZONING DISTRICT.

G. SOLAR ARRAYS WILL BE CONSIDERED ACCESSORY STRUCTURES, PERMITTED IN ACCORDANCE WITH SECTION 21.13

Article 8, Section 8.3, Accessory Permitted Buildings/Structures and Uses:

Article 9, Section 9.3, Accessory Permitted Buildings/Structures and Uses:

Article 10, Section 10.3, Accessory Permitted Buildings/Structures and Uses:

Article 11, Section 11.3, Accessory Permitted Buildings/Structures and Uses:

Article 12, Section 12.3, Accessory Permitted Buildings/Structures and Uses:

Article 11, Section 11.3, Accessory Permitted Buildings/Structures and Uses:

Article 12, Section 12.3, Accessory Permitted Buildings/Structures and Uses:

Article 13, Section 13.3, Accessory Permitted Buildings/Structures and Uses:

Article 14, Section 14.3, Accessory Permitted Buildings/Structures and Uses:

Article 15, Section 15.3, Accessory Permitted Buildings/Structures and Uses:

Article 16, Section 16.3, Accessory Permitted Buildings/Structures and Uses:

Article 17, Section 17.3, Accessory Permitted Buildings/Structures and Uses:

Article 18, Section 18.3, Accessory Permitted Buildings/Structures and Uses:

Article 19, Section 19.3, Accessory Permitted Buildings/Structures and Uses:

Article 20, Section 20.3, Accessory Permitted Buildings/Structures and Uses:

SOLAR COLLECTION SYSTEMS, IN ACCORDANCE WITH SECTION 21.12.

SOLAR ARRAYS, IN ACCORDANCE WITH SECTION 21.13.

Article 21, Section 21.12, Solar Collection Systems:

A. A SOLAR COLLECTION SYSTEM IS PERMITTED IN ANY ZONING DISTRICT ON THE ROOF AND/OR EXTERIOR WALLS OF STRUCTURES.

- B. THE FOLLOWING STANDARDS SHALL APPLY TO THE DEVELOPMENT OF SOLAR COLLECTION SYSTEMS:
1. SOLAR COLLECTION SYSTEMS, WHICH ARE NOT ATTACHED BY ANY PART OF A COMMON WALL OR COMMON ROOF TO A PRINCIPAL BUILDING/STRUCTURE, ARE ACCESSORY STRUCTURES AND SHALL BE PERMITTED IN ACCORDANCE WITH SECTION 5.8.
 2. SOLAR COLLECTION SYSTEMS SHALL NOT BE LOCATED IN ANY FRONT YARD.
 3. SOLAR COLLECTION SYSTEMS LOCATED ON THE ROOF OF A STRUCTURE ARE SUBJECT TO THE FOLLOWING RESTRICTIONS:
 - a. SOLAR COLLECTION SYSTEMS SHALL NOT EXTEND MORE THAN 3 FEET ABOVE THE ROOF PEAK OR MORE THAN 3 FEET INTO THE REQUIRED SIDE OR REAR SETBACKS OF RESIDENTIAL OR OPEN SPACE DISTRICT.
 - b. SOLAR COLLECTION SYSTEMS SHALL NOT EXTEND MORE THAN 6 FEET ABOVE THE ROOF LINE OF COMMERCIAL OR INDUSTRIAL DISTRICT
 - c. SOLAR COLLECTION SYSTEMS SHALL NOT PROTRUDE ABOVE THE MAXIMUM HEIGHT PERMITTED IN THE ZONING DISTRICT IN WHICH IT IS LOCATED.
 - d. SOLAR COLLECTION SYSTEMS SHALL BE LIMITED IN SIZE TO 50% OF THE CROSS SECTIONAL AREA OF THE ROOF OR EXTERIOR WALL.
- C. APPLICANT SHALL LOCATE A SOLAR COLLECTION SYSTEM SO THAT TREE OR SHURB REMOVAL IS NOT REQUIRED TO THE EXTENT PRACTICAL. ANY TREES OR SHRUBS TO BE REMOVED TO ACCOMADATE A SOLAR COLLECTION SYSTEM SHALL BE SHOWN ON A SITE PLAN DEMONSTRATING THE NEED TO REMOVE THE TREES OR SHRUBS AND THE PROVISIONS FOR REPLACEMENT OF TREES OR SHRUBS FOR APPROVAL BY THE PLANNING COMMISSION.
- D. SOLAR COLLECTION SYSTEMS SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE FREDERICK COUNTY BUILDING CODE.

Article 21, Section 21.13, Solar Arrays:

- A. THE FOOTPRINT OF THE SOLAR ARRAY AND ANY INDIVIDUAL COMPONENT SHALL BE USED IN CALCULATING THE SQUARE

FOOTAGE BY DRAWING A LINE AROUND THE EXTERIOR LIMITS OF AN INDIVIDUAL SOLAR ARRAY.

B. SOLAR ARRAYS ARE PERMITTED IN ANY ZONING DISTRICT SUBJECT TO THE FOLLOWING SETBACK AND SIZE RESTRICTIONS:

1. THE TOTAL SQUARE FOOTAGE OF THE SOLAR ARRAY(S) SHALL NOT EXCEED THAT OF THE PRINCIPAL STRUCTURE;

2. THE FOOTPRINT OF AN INDIVIDUAL SOLAR ARRAY SHALL NOT EXCEED THE GREATER OF:

a. ONE-HALF OF THE FOOTPRINT OF THE PRINCIPAL STRUCTURE OR

b. SIX HUNDRED SQUARE FEET

C. SOLAR ARRAYS ARE ACCESSORY STRUCTURES AND SHALL BE PERMITTED, IN ACCORDANCE WITH SECTION 5.8.

D. APPLICANT SHALL LOCATE A SOLAR ARRAY SO THAT TREE OR SHRUB REMOVAL IS NOT REQUIRED TO THE EXTENT PRACTICAL. ANY TREES OR SHRUBS TO BE REMOVED TO ACCOMADATE A SOLAR ARRAY SHALL BE SHOWN ON A SITE PLAN DEMONSTRATING THE NEED TO REMOVE THE TREES OR SHRUBS AND THE PROVISIONS FOR REPLACEMENT OF TREES OR SHRUBS FOR APPROVAL BY THE PLANNING COMMISSION.

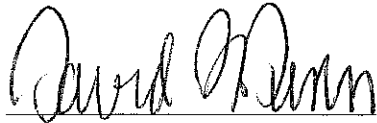
E. SOLAR ARRAYS SHALL BE LOCATED SO THAT ANY GLARE IS DIRECTED AWAY FROM ADJOINING PROPERTIES OR RIGHT-OF-WAY.

F. SOLAR ARRAYS SHALL COMPLY WITH ALL APPLICABLE PROVISIONS OF THE FREDERICK COUNTY BUILDING CODE.

SECTION II: This Ordinance shall become effective on the 10th day following its enactment by the Council and its approval by the Mayor, or on the 10th day following its enactment by the Council over the veto by the Mayor, but no sooner than ten (10) days after the public hearing at which it was passed.

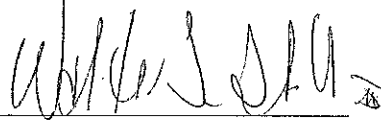
PASSED this 27th day of October, 2009 by a vote of 9 for; 0 against, 0 abstaining and 0 absent.

ATTEST:



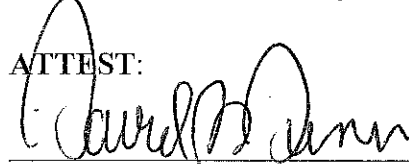
David B. Dunn
City Administrator

COUNCIL OF BRUNSWICK

By: 

Walter S. Stull, III
Councilman

APPROVED this 27th day of October, 2009.

ATTEST:


David B. Dunn
City Administrator



Carroll A. Jones
Mayor

Date: October 27, 2009

EFFECTIVE DATE: November 6, 2009.